

**IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE DISTRICT OF  
TENNESSEE NASHVILLE DIVISION**

TENNESSEE STATE CONFERENCE OF  
THE N.A.A.C.P., DEMOCRACY  
NASHVILLE-DEMOCRATIC  
COMMUNITIES, THE EQUITY ALLIANCE,  
and THE ANDREW GOODMAN  
FOUNDATION,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as  
Secretary of State of the State of Tennessee,  
MARK GOINS, in his official capacity as  
Coordinator of Elections for the State of  
Tennessee, HERBERT SLATERY III, in his  
official capacity as Attorney General of the  
State of Tennessee, the STATE ELECTION  
COMMISSION, and DONNA BARRETT,  
JUDY BLACKBURN, GREG DUCKETT,  
MIKE MCDONALD, JIMMY WALLACE,  
TOM WHEELER, and KENT YOUNCE, in  
their official capacities as members of the State  
Election Commission,

Defendants.

Case No. 3:19-cv-00365  
Judge Aleta A. Trauger

**PLAINTIFFS' MOTION TO SUBMIT SUPPLEMENTAL  
AUTHORITY IN OPPOSITION TO DEFENDANTS' MOTION TO  
DISMISS AND IN SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Plaintiffs respectfully request leave of Court to submit as supplemental legal authority a recent decision of the United States Court of Appeals for the Seventh Circuit that is relevant to the Article III standing issue in this litigation. Plaintiffs addressed the standing issue in both their Memorandum of Law in Opposition to Defendants' Motion to Dismiss and their Memorandum of

Law in Support of their Motion for Preliminary Injunction, and the recent decision is relevant to both pending motions.

On August 27, 2019, the Seventh Circuit issued its opinion in *Common Cause Indiana v. Lawson*, Nos. 18-2491 & 18-2492 (7th Cir. Aug. 27, 2019) (“*Common Cause*”), affirming the grant of preliminary injunctions enjoining implementation of an Indiana law that removed voters from the rolls based on information received from a third-party data database rather than in response to direct contact with voters as mandated by the National Voter Registration Act (“NVRA”), 52 U.S.C. §§ 20501-11. Slip op. at 2. In doing so, the Seventh Circuit rejected a challenge to the standing of the plaintiff civic engagement organizations to bring a pre-enforcement challenge to a newly passed state law relating to the removal of voters from the rolls. *Id.* at 16–22. Relying in part on authority from the Sixth Circuit, the Seventh Circuit concluded that the plaintiffs in the case had standing because, as in this case, the additional expenditures needed to comply with the law and diversion of resources from the plaintiffs’ existing programming were sufficiently concrete, particularized, and imminent to meet Article III standing requirements. *Id.* at 13–15, 19. A copy of the Seventh Circuit’s slip opinion in *Common Cause* is submitted with this Motion as Exhibit A.

We respectfully request that the Court consider *Common Cause* as supplemental authority in further support of both Plaintiffs’ Opposition to Defendants’ Motion to Dismiss and Plaintiffs’ Motion for Preliminary Injunction.

Dated: August 29, 2019

Respectfully submitted,

/s/ Taylor A. Cates

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## CERTIFICATE OF SERVICE

The undersigned herby certifies that a copy of the foregoing document has been served via the Court's CM/ECF electronic case filing system to:

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29<sup>th</sup> day of August, 2019.

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